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## INTRODUCTION

State law requires that the Department of Human Services (DHS) enter into DHS-4113, Adoption Assistance Agreement, DHS-4814, Nonrecurring Adoption Expenses Agreement and DHS-3013, Adoption Medical Subsidy Agreement with adopting parent(s) as a condition of eligibility for:

- Adoption assistance.
- Nonrecurring adoption expenses.
- Adoption assistance-related Medicaid.
- Adoption medical subsidy.

Adoption assistance agreements include the agreement provisions and are legally binding arrangements between the department and the adoptive parent(s).

## AGREEMENT PROVISIONS

### Adoption Assistance/ Nonrecurring Adoption Expenses

The following provisions are included in the Adoption Assistance Agreement (DHS-4113):

- Type of assistance to be paid.
- Maximum adoption assistance rate.
- Amount of negotiated ongoing daily adoption assistance rate agreed to by the adoptive parent(s) and DHS.
- Any services and other assistance to be provided under the agreement.
- Provisions for the protection of the interests of the child in cases where the adoptive parent(s) and child move to another state while the agreement is in effect.
- Nature and amount of nonrecurring adoption expenses to be paid.
- Medicaid eligibility.

- Conditions for continued payment of adoption assistance.
- Legislative increases and decreases that affect all cases.
- Duration of the ongoing adoption assistance payment.

**Note:** If a service specified in the agreement is not available in the state of residence, the state making the original adoption assistance payment remains financially responsible for providing the specified service.

### Adoption Medical Subsidy

The following provisions are included in adoption medical subsidy agreement:

- Covered medical conditions.
- Conditions for continued payment.
- Continuation of eligibility regardless of a change in state residency.
- Duration of the agreement.
- Reimbursement requirements.

## OBTAINING AGREEMENTS

### Adoption Assistance Agreement

The DHS-4113, Adoption Assistance Agreement, is issued by the Adoption Subsidy Office. The adoption worker applies for this agreement by submitting a DHS-1341, Adoption Assistance and/or Medical Subsidy Application and the DHS-959, Adoption Assistance Rate Determination Worksheet to the Adoption Subsidy Office.

Ongoing daily adoption assistance is paid in the amount negotiated between the adoptive parent(s) and DHS, up to the maximum daily amount entered by the Adoption Subsidy Office on the DHS-4113. For details of the rate determination process; see AAM 210.

An adoption assistance agreement must be signed by both the adoptive parent(s) and the adoption subsidy program manager or DHS designee prior to the final order of adoption. If the adoption assistance agreement is signed prior to the date of the adoptive

placement, adoption assistance payment is effective on the date of adoptive placement or the date of the PCA 320, Order Placing Child After Consent, whichever is later.

If the adoption assistance agreement is signed after the date of the PCA 320, Order Placing Child After Consent, but before the final order of adoption, adoption assistance payment is effective on the date the agreement is signed by the adoption subsidy program manager or DHS designee.

### **Nonrecurring Adoption Expenses (NRE) Agreement**

The adoptive parent(s) and DHS enter into an agreement for reimbursement of nonrecurring adoption expenses as a result of submission and approval of either the DHS-1341, Adoption Assistance and/or Medical Subsidy Application, or the DHS-4814, Nonrecurring Adoption Expenses Application/Agreement for a Child Without Adoption Assistance. Approval of the DHS-1341 application results in the issuance of the DHS-4113, Adoption Assistance Agreement, for children determined eligible. Approval of the DHS-4814 includes entry into the agreement, for children determined eligible. For details of the nonrecurring adoption expenses program; see AAM 310.

All nonrecurring adoption expenses agreements must be signed by both the adoptive parent(s) and the adoption subsidy program manager or DHS designee prior to the final order of adoption. If the final order of adoption is signed by the court prior to completion of all signatures on the agreement, reimbursement is **not** available.

### **Adoption Medical Subsidy Agreement**

The DHS-3013, Adoption Medical Subsidy Agreement, is issued by the Adoption Subsidy Office after approval of the DHS-1341, Adoption Assistance and/or Medical Subsidy Application, or DHS-1341A, Parent's Request for Medical Subsidy for An Adopted Child. Prior to adoptive placement, the adoption worker applies for medical subsidy by submitting the DHS-1341 to the Adoption Subsidy Office. After adoptive placement, the adoptive parent(s) apply for medical subsidy by submitting the DHS-1341A to the Adoption Subsidy Office.

The adoption medical subsidy agreement must be signed by the adoptive parent(s) and the adoption subsidy program manager or DHS designee after the child's eligibility has been determined by the Adoption Subsidy Office. If the adoption medical subsidy agreement is signed by all parties on or before the court's signature on the PCA-320, Order Placing Child After Consent, the effective date of the agreement will be the date of adoptive placement.

If the adoption medical subsidy agreement is signed after the court's signature on the PCA-320, Order Placing Child After Consent, the effective date of the agreement will be the date of the adoptive placement or the date entered on the agreement by the Adoption Subsidy Office.

**Note:** If the medical subsidy agreement has not been signed by the prospective adoptive parent(s) and returned to the Adoption Subsidy Office within 90 calendar days of the issuance of the agreement, the adoption worker must submit a DHS-4817, Adoption Subsidy Program Change Request to request a new agreement. For medical subsidy agreements issued after adoptive placement, if the agreement has not been signed by the adoptive parent(s) and returned to the Adoption Subsidy Office within 90 calendar days of the issuance of the agreement, the adoptive parent will have to reapply for medical subsidy.

Medical bills will not be processed for payment until the adoptive parent(s) and the adoption subsidy program manager or DHS designee have signed the agreement and the DHS-1344, Adoption Assistance Case Opening Request, has been processed by the Adoption Subsidy Office.

## AGREEMENT PROCEDURES

### Adoption Assistance/Non- Recurring Expenses and Pre- Adoption Medical Subsidy

The Adoption Subsidy Office:

- Prepares the appropriate agreement(s) for the child. The Adoption Subsidy Office determines the maximum adoption assistance daily rate. The rate shall not exceed the foster care

rate which was paid, or would have been paid if the child had been in a foster family home. The Adoption Subsidy Office reviews the information contained in the completed DHS-959, including the rate requested by the prospective adoptive parent(s) and may either accept the requested rate or determine and offer a new rate based on the information provided.

- Sends the adoption assistance agreement to the adoption worker with the DHS-3012, Adoption Assistance Agreement - Parent and Adoption Worker Instructions.
- Sends the adoption medical subsidy agreement to the adoption worker with the DHS-3012-2, Adoption Medical Subsidy Agreement Transmittal.

The adoption worker:

- The adoption worker must meet with the prospective adoptive parent(s) to discuss the offered rate and review the adoption assistance agreement within seven calendar days; see AAM 210, Rate Determination Overview/Negotiation Process.
- Assists the parent(s) in completing the agreement(s) according to the instructions on the DHS-3012, Adoption Assistance Agreement - Parent and Adoption Worker Instructions.
- Returns the signed agreement(s) to the Adoption Subsidy Office with a copy of the DHS-3012 attached.
- If the agreement(s) have not been signed by the prospective adoptive parent within 90 calendar days of the issuance of the agreement(s), the adoption worker must submit a DHS-4817, Adoption Subsidy Program Change Request with a current determination of care (DOC) assessment and the DHS-959, Adoption Assistance Rate Determination Worksheet to the Adoption Subsidy Office and if eligible, a new agreement will be issued, according to AAM 210.

The Adoption Subsidy Office:

- Reviews the signed agreement(s) for completeness and accuracy:
- The adoption subsidy program manager or DHS designee signs the agreement and returns the original signed

agreement(s) to the adoption worker and maintains a copy in the adoption assistance record.

The adoption worker:

- Gives the adoptive parent(s) their original signed agreement(s).
- Proceeds with the adoption process.

### **Non-Recurring Expenses without Adoption Assistance**

The application process consists of:

- The adoptive parent(s) must sign the DHS-4814, Non-Recurring Expenses Eligibility Certification Request/Agreement For A Child Without Adoption Assistance, before the DHS-4814 is submitted to the Adoption Subsidy Office; see AAM 300 for non-recurring adoption expenses eligibility.
- After eligibility is approved, the Adoption Subsidy Office enters into the agreement by signing the DHS-4814.
- The Adoption Subsidy Office returns the original signed DHS-4814 and a cover letter to the adoption worker and maintains a copy in the adoption assistance record.
- The adoption worker gives the adoptive parent(s) their original signed DHS-4814.

### **Post-Adoption Medical Subsidy**

The Adoption Subsidy Office:

- Prepares the DHS-3013, Adoption Medical Subsidy Agreement.
- Sends the agreement to the adoptive parent(s) with the DHS-3012-3, Adoption Medical Subsidy Agreement Transmittal.

The adoptive parent(s):

- Reviews the agreement, signs, and has a witness sign the agreement, following the instructions on the DHS-3012-3, Adoption Medical Subsidy Agreement Transmittal.
- Returns the signed agreement to the Adoption Subsidy Office with a copy of the DHS-3012-3, Adoption Medical Subsidy Agreement Transmittal.

The Adoption Subsidy Office:

- Reviews the agreement for completeness and accuracy:
- Obtains the authorized DHS designee signature on the agreement.
- Returns the original signed agreement to the adoptive parent(s) and maintains a copy in the adoption assistance record.

#### ASSISTANCE AGREEMENT SIGNATURES

##### Adoption Assistance/ Nonrecurring Adoption Expenses

An adoption assistance agreement must be signed by both the adoptive parent(s) and the adoption subsidy program manager or DHS designee **prior** to the final order of adoption. If the adoption assistance agreement is signed **prior** to the date of the adoptive placement, adoption assistance payment is effective on the date of adoptive placement or the date of the PCA 320, Order Placing Child After Consent, whichever is later.

If the adoption assistance agreement is signed **after** the date of the PCA 320, Order Placing Child After Consent, but **before** the final order of adoption, adoption assistance payment is effective on the date the agreement is signed by the adoption subsidy program manager or DHS designee.

**Adoption Medical  
Subsidy**

**An adoption medical subsidy agreement can be signed any time after the child is certified eligible, prior to the child's 18th birthday.** If the adoption medical subsidy agreement is signed **before** the date of the adoptive placement, the effective date of the agreement will be the date of the PCA-320, Order Placing the Child After Consent.

If the adoption medical subsidy agreement is signed **after** the adoptive placement, the effective date of the agreement will be the date of the PCA-320, Order Placing the Child After Consent, or the date entered on the agreement by the Adoption Subsidy Office, whichever is later.

**Note:** If the medical subsidy agreement has not been signed by the prospective adoptive parent(s) and returned to the Adoption Subsidy Office within 90 calendar days of the issuance of the agreement, the adoption worker must submit a DHS-4817, Adoption Subsidy Program Change Request to request a new agreement. For medical subsidy agreements issued after adoptive placement, if the agreement has not been signed by the adoptive parent(s) and returned to the Adoption Subsidy Office within 90 calendar days of the issuance of the agreement the adoptive parent will have to reapply for medical subsidy.